



01 OCT 2007

Sagres Discovery, INC.  
Intellectual Property R-338  
P.O. Box 8097  
Emeryville CA 94662-8097

In re Application of	:	
MENDEZ, Michael, et al.	:	
Application No.: 10/573,610	:	DECISION
PCT No.: PCT/US04/31831	:	
Int. Filing Date: 27 September 2004	:	ON REQUEST UNDER
Priority Date: 25 September 2003	:	
Attorney's Docket No.: PP023360.0003	:	37 CFR 1.497(d)
For: RHO ANTIBODY AND TAG TO	:	
PURIFY CELL SURFACE PROTEINS :	:	

This decision is in response to request under 37 CFR 1.48(A), filed in the United States Patent and Trademark Office on 21 May 2007. It has been treated as a petition under 37 CFR 1.497(d).

### **BACKGROUND**

On 27 September 2004, applicant filed international application PCT/US04/31831, claiming a priority date of 25 September 2003. The deadline for entry into the national stage in the United States was midnight on 27 March 2006.

On 27 March 2006, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 22 January 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration of the inventors was required.

On 21 May 2007, applicant submitted a declaration of the inventors accompanied by a Request Under 37 CFR 1.497(d).

### **DISCUSSION**

Applicants file this request to add Craig Hokanson, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied. Applicants provided a statement by Craig Hokanson, the processing fee and the consent of the assignee.

However, the declaration of the inventors is defective. Applicants have supplied a declaration composed of one page 1 of 2 and three pages of 2 of 2. Each page 2 lists the same inventors, but is separately executed. While it is acceptable for inventors to execute separate copies of a declaration, the complete declaration as executed by the inventor must be submitted to the Office. It is not acceptable to piece together pages from separately executed declarations to create a single composite declaration.

### **CONCLUSION**

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely reply will result in the abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459